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7 Attorneys for Debtors and Debtors in
Possession, SCOOBEZ, SCOOBEZ GLOBAL,
8 INC., and SCOOBUR, LLC

9 **UNITED STATES BANKRUPTCY COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA**

11 **LOS ANGELES DIVISION**

12 In re:

13 SCOOBEZ, et al.¹

14 **Debtors and Debtors in Possession.**

15 SCOOBEZ, INC.,

16 Plaintiff,

17 v.

18 AMAZON LOGISTICS, INC.,

19 Defendant.

CASE No. 2:19-bk-14989-WB
Jointly Administered:
2:19-bk-14991-WB; 2:19-bk-14997-WB

CHAPTER 11

Adversary No. 2:19-ap-01456-WB

**DECLARATION OF SHANE MOSES
REGARDING NOTICE AND SERVICE
OF DEBTORS' NOTICE OF MOTION
AND EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION TO
PREVENT VIOLATION OF THE
AUTOMATIC STAY**

Hearing:

Date: October 28, 2019

Time: 2:00 p.m.

Place: Courtroom 1375

U.S. Bankruptcy Court

255 East Temple Street

Los Angeles, CA 90012

27 ¹ The Debtors and the last four digits of their respective federal taxpayer identification
28 numbers are as follows: Scoobeez (6339); Scoobeez Global, Inc. (9779); and Scoobur, LLC
(0343). The Debtors' address is 3463 Foothill Boulevard, Glendale, California 91214.

1 I, Shane J. Moses, hereby declare:

2 1. I am an attorney duly authorized to practice before the above-referenced court. I
3 am an of counsel with the law firm of Foley & Lardner, LLP, proposed general insolvency
4 counsel for Scoobeez, Scoobeez Global, Inc., and Scoobur, LLC, the debtors and debtors in
5 possession in the above-captioned, jointly administered bankruptcy cases (collectively, the
6 “Debtors”). I submit this declaration in support of the Debtors’ Notice of Motion and
7 *Emergency Motion for Temporary Restraining Order and Preliminary Injunction to Prevent*
8 *Violation of the Automatic Stay* (the “Emergency Motion”).

9 2. Unless otherwise stated, I have personal knowledge of the matters set forth herein,
10 and if call as a witness, could and would competently testify to the same.

11 3. Soobeez, Inc. (the “Plaintiff”) filed its adversary proceeding Complaint for 1.
12 Violation of the Automatic Stay [11 U.S.C. § 362]; 2. Declaratory Judgment; 3. Injunctive
13 Relief; and 4. Breach of the Duty of Good Faith and Fair Dealing, which is designated as
14 Adversary Proceeding No. 2:19-ap-01456, on October 25, 2019 (the “Complaint”).

15 4. The Complaint names Amazon Logistics, Inc. as defendant (the “Defendant”).

16 5. The Defendants also filed the Emergency Motion, seeking relief against the
17 Defendant, on October 25, 2019.

18 6. On October 25, 2019, I telephoned and spoke to Richard Esterkin, counsel for the
19 Defendant, at approximately 3:35 p.m. I informed Mr. Esterkin that the Plaintiff would be filing
20 the Complaint and the Emergency Motion in the immediate future, and that the Emergency
21 Motion would be heard by the Court at 2:00 p.m. on Monday October 28, 2019.

22 7. Also on October 25, 2019, between approximately 3:36 p.m. and 3:40 p.m., I
23 telephoned and left messages for David Neale, as counsel the Committee, and Anthony
24 Napolitano, as counsel for Hillair Capital Management. I informed both Mr. Neale and Mr.
25 Napolitano that the Plaintiff would be filing the Complaint and the Emergency Motion in the
26 immediate future, and that the Emergency Motion would be heard by the Court at 2:00 p.m. on
27 October 28, 2019

28

DECL. OF S. MOSES RE: NOTICE AND SERVICE OF
MOTION FOR TEMPORARY RESTRAINING ORDER
Case No. 2:19-bk-14989-WB

1 8. At 4:26 p.m. on October 25, my assistance, Sonia Gaeta, sent an email addressed
2 to Mr. Esterkin, as counsel for the Defendant; Mr. Neal and John Patrick Fritz, as counsel for the
3 Committee; Mr. Napolitano, Stephen Spector, Jennifer Nassiri, and Eric Winston, as counsel for
4 Hillair; and Alvin Mar, as counsel for the U.S. Trustee. Ms. Gaeta's email provided copies of
5 the filed Complaint and Emergency Motion, and provided notice of the date, time, and place of
6 the hearing on the Emergency Motion.

7 I declare under penalty of perjury that the foregoing is true and correct. Executed this
8 28th day of October 2019, at San Francisco, California.

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/s/ Shane J. Moses

Shane J. Moses

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DECL. OF S. MOSES RE: NOTICE AND SERVICE OF
MOTION FOR TEMPORARY RESTRAINING ORDER
Case No. 2:19-bk-14989-WB